

### **Remarks/Arguments**

The foregoing amendments to the claims are of formal nature, and do not add new matter. Claims 119-124 are pending in this application and are rejected on various grounds. All pending claims have been amended to remove references to "Figures". Claim 124 has been canceled without prejudice or disclaimer. Accordingly, Claims 119-123 are currently pending in this application and rejections to these claims are respectfully traversed.

### **Specification**

The disclosure was objected to by the Examiner as containing "embedded hyperlink and/or other form of browser-executable code." The foregoing amendment to the specification which deleted all embedded hyperlinks, is believed to overcome the present objections. Further, any minor errors have been amended.

Accordingly, Applicants believe that all objections to the specification has been overcome.

### **Priority**

Applicants agree with the Examiner that the effective filing date for the presently claimed nucleic acids is 07/26/1999. The Examiner had mentioned that the benefit claim to US Provisional Applications 60/213,637 filed 6/23/2000 and 60/230,978 filed 9/7/2000 were improper. Applicants agree with the Examiner's analysis and withdraw these priority claims.

Applicants submit that they rely on the "chondrocyte redifferentiation assay" for patentable utility in this case. This utility was first disclosed in International Application PCT/US00/08439, filed March 30, 2000, priority to which has been claimed in this application.

Further, Applicants also rely on the "stimulation of endothelial cell growth assay" for patentable utility in this case. This utility was first disclosed in US Provisional Application 60/145,698, filed July 26, 1999, priority to which has been claimed in this application.

### **Claim Rejections – 35 U.S.C. § 112, second paragraph**

Claim 124 was rejected under 35 U.S.C. § 112, second paragraph for being indefinite over recitation of "specifically binds". Applicants respectfully traverse these rejections.

Without acquiescing to the propriety of this rejection, Applicants have canceled claim 124 and further, have amended claim 119 to recite "specifically binds". Applicants submit that the art-recognized meaning of "specific" binding is that the antibody that specifically binds to a particular antigen does not significantly cross-react with another antigen. Accordingly, one skilled in the art would know what the scope of the present invention is.

Accordingly, this rejection should be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 119, 120, 123 and 124 are rejected under 35 U.S.C. §102(a) as being anticipated by Milne (dated 2/11/1999).

In view of the cancellation of claim 124, this rejection to this claim is moot. Milne describes a sequence with an overall polypeptide sequence identity of 76.19% to SEQ ID NO: 371. Amino acids 83-107 of SEQ ID NO: 371 are not found in the Milne sequence. In view of the amendment to claim 119 which recites "specific binding", one of skill in the art would know that only those antibodies that only bind to SEQ ID NO: 371 and not to the Milne polypeptide are encompassed by this claim. Accordingly, the present claims are not anticipated by Milne and hence, this rejection should be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 119, 122 are rejected under 35 U.S.C. §103(a) as being unpatentable over Milne (dated 2/11/1999) as applied to claim 119 and further in view of Brandon.

As discussed above, the primary reference, Milne, does not anticipate claim 119 or 122. Further, Brandon does not teach or anticipate SEQ ID NO: 371. Hence, this rejection falls and should be withdrawn.

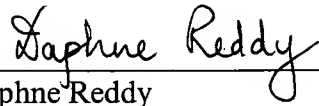
The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39780-2730P1C36).

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: December 10, 2004

  
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